

*Revised 10/13/11*

# Wetlands Bureau Decision Report

Decisions Taken  
10/05/2015 to 10/11/2015

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

Any party aggrieved by a decision may file an appeal within 30 days of the date of this decision as specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Wetlands Council, Env-WtC 100-200.

The appeal must be filed directly with the Council, c/o the Council Appeals Clerk, who may be contacted at (603) 271-6072 or at [appeals@des.nh.gov](mailto:appeals@des.nh.gov). The notice of appeal must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the council.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

2015-00960

COOK III, N MILES

DOVER Piscataqua River

## Requested Action:

Modify and expand an existing tidal docking structure which consists of a 60' x 6' fixed pier connecting to a 40' x 3' ramp connecting to a 30' x 10 ft. float, by removing the existing ramp and float and adding 160 feet of aluminum permanent pier supported by four pilings, to which will be connected a 40' x 3' ramp connecting to a 15' x 7' float and two 15' x 10' floats in an L-configuration; overall structure length 280' from highest observable tide line.

\*\*\*\*\*

## Conservation Commission/Staff Comments:

4/30/15 Per DHR, no historic properties affected.

## DENY PERMIT:

Modify and expand an existing tidal docking structure which consists of a 60' x 6' fixed pier connecting to a 40' x 3' ramp connecting to a 30' x 10 ft. float, by removing the existing ramp and float and adding 160 feet of aluminum permanent pier supported by four pilings, to which will be connected a 40' x 3' ramp connecting to a 15' x 7' float and two 15' x 10' floats in an L-configuration; overall structure length 280' from highest observable tide line.

## With Findings:

## Standard for Approval:

1. This project is classified as major impact pursuant to Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. Pursuant to Env-Wt 302.01(a), and Env-Wt 302.04(a)(1), the need for the proposed impacts shall be demonstrated by the applicant prior to DES approval of any alteration of tidal wetlands. Preserving the integrity of saltmarshes and tidal wetlands shall be given highest priority by DES, because of the high productivity and rarity of such wetlands and the difficulty in restoration in value and function for those environments. No project shall be allowed that intrudes into a tidal wetland unless the department finds that it is to be for the public good as set out in RSA 482-A:1.
4. Pursuant to Env-Wt 302.03, the applicant shall provide evidence which demonstrates that the potential impacts of the project proposal avoids and minimizes impacts to the maximum extent practicable.
5. Pursuant to Env-Wt 302.04(a)(2), Requirements for Application Evaluation, the applicant shall demonstrate that the alternative proposed is the one with the least impact to wetlands or surface waters on the site.
6. Pursuant to Env-Wt 402.21, Modification of Existing Structures, DES shall not approve any change in size, location, or configuration unless the applicant demonstrates and the department finds, that the modification is less environmentally impacting, or provides for less boat slips and less construction over public submerged lands than the current configuration.
7. Pursuant to Env-Wt 302.04(d)(1), DES shall not grant a permit if the applicant fails to document that there is a practicable alternative that would have less adverse impact to areas and environments under DES jurisdiction.
8. Pursuant to Env-Wt 302.04(d)(3), DES shall not grant a permit if the project shall cause random or unnecessary destruction of wetlands.

## Findings of Fact:

1. On January 10, 2006, DES issued wetlands permit #2005-2283 to Nelson Cook (N. Miles Cook III) to construct a tidal docking structure consisting of a 60' x 6' fixed pier to a 40' x 3' ramp to a 30' x 10' float, overall structure length is 107', providing one slip on 765' of property frontage.
2. On December 12, 2012 DES received a Standard Dredge and Fill Wetlands Permit Application 2012-3200 from N. Miles Cook III, to expand the existing 107' long tidal docking structure (permit 2005-2283), including replacing the existing 10' x 30' float with a 8' x 20' float and adding 5' x 240' of float (eight 30' sections) to a 10' x 45' float with an overall total length of 366', providing 19 slips on 767' of frontage on the Piscataqua River.

3. On April 4, 2013, the NH Division of Ports and Harbors ("DPH") issued mooring permit #7149 to Mr. Cook for a mooring located in deep water in the Piscataqua River directly off-shore from his residence at Isaac Lucas Circle, Dover.
4. On April 26, 2013 DES denied application 2012-3200, finding, in part that:
  - a. The applicant failed to demonstrate the public purpose set forth by RSA 482-A:1 as the proposal's overall structure length of 325' far exceeded dock lengths being currently approved by DES, and extends excessively into the public trust;
  - b. The applicant failed to demonstrate need, pursuant to Env-Wt 302.01, as the applicant has an existing tidal docking structure consisting of a 60' x 6' pier to a 40' x 3' ramp to a 30' x 10' float providing access to the water over a portion of the tidal cycle, as well as a deep water mooring directly off-shore;
  - c. The applicant failed to demonstrate avoidance and minimization of impacts pursuant to Env-Wt 302.03, or to demonstrate lack of alternatives with lesser wetlands impacts pursuant to Env-Wt 302.04(b)(5) as the existing docking structure approved under permit 2005-2283 is the minimum length necessary to reach useable water at this location.
  - d. Based on findings 1 through 4, DES found that the project as proposed may cause unnecessary destruction of wetlands, therefore the application is denied pursuant to Env-Wt 302.04(d)(3).
5. On May 7, 2013 the applicant requested reconsideration of the denial of application 2012-3200.
6. On September 27, 2013 DES denied reconsideration and reaffirmed its original denial of 2012-3200, supported by detailed findings of fact and rulings of law, including the fact that the applicant has the ability to participate in the Brickyard Estates (a subdivision within which the subject property is located) Dockowner's Association to gain access to an all-tide community dock on the abutting property.
7. On October 23, 2013 the applicant appealed the DES denial of reconsideration to the Wetlands Council.
8. On September 9 and October 7, 2014 the Wetlands Council held hearings on the N. Miles Cook III Appeal, Docket No. 13-12 WtC.
9. On 12/10/2014 the Wetlands Council issued a decision upholding the DES decision to deny application 2012-3200. The Wetlands Council ruled granting the following:
  - a. All property owners in the Brickyard Estate subdivision are eligible to become members of the Brickyard Estates Dockowners Association and pursuant to the "By-Laws of Brickyard Estates of Dover Association of Dockowners Association" (recorded at the Strafford County Registry at Book 3339, Page 0112) all of the members of the Brickyard Estates of Dover Dockowners Association have the right to use the all tide access dock;
  - b. If Appellant chooses to use the dock issued to Brickyard Estates (Permit # 1992-1007) he will have access to useable water 24 hours a day;
  - c. On April 26, 2013, DES denied the 2012-3200 application, finding that the appellant failed to demonstrate the legislative public purpose, as required RSA 482-A: I, because the proposed structure far exceeded the length of tidal docks currently being approved, and that the proposed structure would extend excessively into the public trust. DES further found that there was no demonstrated need and no demonstration of avoidance, minimization, or a lack of lesser impacting alternative because the applicant currently has a dock which is the minimum length necessary to reach usable water.
10. On May 12, 2015 the Wetlands Council denied the appellant's request for reconsideration of the Council's December 12, 2014 decision.
11. On June 11, 2015 the appellant filed an appeal with the NH Supreme court in the matter, which is currently pending.
12. On April 30, 2015 DES received another dock application from N. Miles Cook III, ("the applicant") file 2015-960, requesting to remove the 3' x 40' ramp and 30' x 10' float from the end of his existing 60' permanent pier, and expand seaward from the end of the 60' pier by constructing an additional 160' x 4' of permanent aluminum pier, supported by 4 pilings, from which would extend a 3' x 40' ramp connecting to ramp connecting to a 15' x 7' float and two 15' x 10' floats in an L-configuration; thereby creating a tidal docking structure of an overall length of 280' from highest observable tide line.
13. On July 14, 2015, following review of the application, DES sent the applicant a Request For More Information ("RFMI") to the applicant, in part, requesting the following:
  - a. Address off-site alternatives and why the applicant is now unable to utilize the all-tide access Brickyard Estates Dock Association dock to which he is entitled membership as an owner within the Brickyard Estates subdivision, as an alternative to expanding his existing structure, pursuant to Rules Env-Wt 302.03, and Env-Wt 302.04(a)(2), Avoidance and Minimization/Least Impacting Alternative;
  - b. Demonstrate how the new proposal will meet Env-Wt 402.21 Modification of Existing Structures, requirement that the new proposal be less environmentally impacting, have less boat slips and be less structure construction over public submerged lands; and

requested that the applicant not include the impact of the boat sitting on the mud at low tide as a calculation factor, as this is not regulated by DES, and DES thus has no control over the number of boats available to sit on the mud.

c. Revise the plan to accurately show the field location of HOTL, MHW and MLW on a given day (provide the time and date measurements were taken) to demonstrate the range of water depths available over the course of the tidal cycle, and present it at a scale and rendering clarity that makes verification upon review possible in order to support the assertion that this design will represent the least impacting alternative.

14. On July 15, 2015 the USEPA submitted the following comments on the subject application to the wetlands application file as a result of Joint Processing review:

- a. The application does not appear to pass the alternatives test. There are nearby boat/dock options that can be used.
- b. The existing dock can be used when the water is higher (4-6) hours per day
- c. Mudflat is a valuable resource.

d. In warm weather this is an active area for boats & sail boats.

e. The project is ineligible for Programmatic General Permit approval; an Army Corps Individual Permit is required.

The Army Corps of Engineers and federal resource commenting agencies will address the federal requirements with the applicant under separate cover and will further coordinate with DES on that review.

15. On September 11, 2015, DES received a response from the applicant to the DES RFMI.

16. Review by DES of the plans submitted in the September 11, 2015 RFMI response finds that the applicant will have 0.5 feet of water at the proposed float location on a 0.0' elevation mean low tide.

17. Review of the previous one year of tide tables for the subject location, however, finds that of 365 days in a calendar year, there were 258 instances of minus tides over 181 days of the year, that is, less than 0.0 ft location of mean low water, meaning that in 258 instances there will be no water at the proposed float location at low tide.

18. The findings and rulings related to files 2005-2283, 2012-3200, including Wetlands Council Appeal Docket No. 13-12 WtC, are hereby incorporated into the record of this application by reference.

#### Findings in Support of Denial:

1. The new proposal fails to meet Env-Wt 302.01(a0, and Env-Wt 302.04(a)(1), relative to need, as the applicant has an existing dock with partial tide access, a mooring in the Piscataqua River in front of the subject property, and the ability to become part of the Brickyard Estates Dockowner's Association and use the all-tide access dock on the abutting property to access his mooring. Further, review of the applicant's plans by Geometres Blue Hills dated August 15, 2015 finds that the plan shows that there will be no more water depth at the new proposed float location at 280' from shore, than is available to the applicant with his current 107' dock, and that for 258 instances of minus tides over 181 days of the year, the mean low tide at minus tide will be located even further seaward away from the new float than represented by the applicant. Finally, there is no public good served as required by Env-Wt 302.01(a), by the expansion of this individual residential docking structure, rather than by use of the community dock structure constructed to serve many users in one location and thereby minimize impacts, therefore the project shall not be allowed.

2. The current proposal fails to meet Env-Wt 302.03, relative to avoidance and minimization of impacts to the maximum extent practicable. The current application proposes to construct an additional 160 linear feet of permanent structure and an additional 105 square feet of float into the tidal resource where none currently exists, an expansion of length of 260% with no appreciable gain in water depth at the new float location.

3. The current proposal fails to meet Env-Wt 302.04(a)(2), requiring that the alternative proposed be the one with the least impact to wetlands or surface waters on the site. It has been established that alternatives exist that involve no additional impact to the tidal resources, that being use of the existing partial tide dock in conjunction with membership in the community dock association and use of the association's all tide dock on the abutting property.

4. The current proposal fails to meet Env-Wt 402.21, Modification of Existing Structures, as DES finds that the modification of this structure, by placing an additional 173 linear feet of structure beyond the existing permitted 107' pier ramp and float to a total overall length of 280', including the construction of the 220 ft of permanent pier component, does not represent less construction over public submerged lands and is not less environmentally impacting than the existing permitted 107' structure in its current, much smaller, configuration.

5. Pursuant to Env-Wt 402.21, DES shall not approve any change in size, location, or configuration unless the applicant demonstrates and the department finds, that the modification is less environmentally impacting, or provides for less boat slips and is less construction over public submerged lands and therefore the application is denied.

6. Based on findings 1-4 above and pursuant to Env-Wt 302.04(d)(1), DES shall not grant a permit if the applicant fails to document that there is a practicable alternative that would have less adverse impact to areas and environments under DES jurisdiction, therefore the application is denied.

7. Pursuant to Env-Wt 302.04(d)(3), DES shall not grant a permit if the project shall cause random or unnecessary destruction of wetlands, therefore the permit is denied.

**2015-01505                      NH DEPT OF TRANSPORTATION**  
**KEENE   Ashuelot River**

**Requested Action:**

Construct a new multi-use trail bridge along the Ashuelot Rail Trail impacting 23,685 sq. ft. (3,509 temporary) of palustrine wetlands to elevate the approaches. NHDOT project #10309P

Compensatory mitigation includes a one-time payment of \$89,440.67 to the Aquatic Resource Mitigation Fund.

The mitigation commitment for file #1999-1080 remains to be completed and includes the preservation of 80 acres of land (minus the amount of land adjacent to NH Routes 9/101 that will be required for the "T" intersection re-construction) of the undeveloped "NH Route 10 Bypass ROW" by NHDOT either through fee transfer to a conservation entity or deed restrictions as well as protection of an 8 acre parcel south of NH Route 10 Bypass ROW. In addition, the NHDOT shall provide floodplain compensation within the Ashuelot River watershed to fully compensate for the 19.9 acre-feet of impacts incurred by the Keene-Swanzey Interim projects (as outlined in NHDOT's October 7, 2015 Mitigation Commitment Summary Memo).

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Cons. Comm. - no comment

River Advisory Comm. - Concern the flood storage mitigation be completed in a timely fashion.

**APPROVE PERMIT:**

Construct a new multi-use trail bridge along the Ashuelot Rail Trail impacting 23,685 sq. ft. (3,509 temporary) of palustrine wetlands to elevate the approaches. NHDOT project #10309P

Compensatory mitigation includes a one-time payment of \$89,440.67 to the Aquatic Resource Mitigation Fund.

The mitigation commitment for file #1999-1080 remains to be completed and includes the preservation of 80 acres of land (minus the amount of land adjacent to NH Routes 9/101 that will be required for the "T" intersection re-construction) of the undeveloped "NH Route 10 Bypass ROW" by NHDOT either through fee transfer to a conservation entity or deed restrictions as well as protection of an 8 acre parcel south of NH Route 10 Bypass ROW. In addition, the NHDOT shall provide floodplain compensation within the Ashuelot River watershed to fully compensate for the 19.9 acre-feet of impacts incurred by the Keene-Swanzey Interim projects (as outlined in NHDOT's October 7, 2015 Mitigation Commitment Summary Memo).

**With Conditions:**

1. All work shall be in accordance with plans dated 5/27/2015 by NHDOT Bureau of Bridge Design, as received by the Department on June 17, 2015.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
11. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
12. The impacts associated with the temporary work shall be restored immediately following construction.
13. The construction personnel shall be informed of and aware that Wood Turtles are in the vicinity especially from late May to the end of June and any encounters shall be resolved by a qualified environmental professional.
14. Fill within the floodplain of the Ashuelot River shall be mitigated in conjunction with the overall mitigation of the interim Keene-Swanzey project as required by permit #1999-1080 and outlined in October 7, 2015 Mitigation Commitment Summary Memo.
15. This approval is contingent on receipt by DES of a one-time payment of \$89,440.67 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that alter more than 20,000 sq. ft. of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The NH Dept. of Transportation (NHDOT) has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The NHDOT has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project was discussed and coordinated through discussions at many monthly Natural Resource Agency Meetings held at the NH Dept. of Transportation with the most recent being on Aug. 21, 2013, Jan. 21, 2015 and May 20, 2015.
6. The application was received on June 17, 2015 and includes an Inter-Department memo noting the NHDOT will prepare and submit a mitigation package specific to this application and will follow up with a mitigation summary / proposal package for the outstanding mitigation required for the previously impacted and future interim Keene - Swansey 10309 series of projects.
7. On July 21, 2015, a comment was received from the Ashuelot River Local Advisory Committee noting support for the project but is concerned with the outstanding mitigation from past impacts, the mitigation for flood storage and the need for timely mitigation due the frequency of flooding.
8. On October 7, 2015 the DES received a report from the NHDOT summarizing the outstanding mitigation for previous permitted projects.
9. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.
10. The department has determined that this specific project, application 2015-01505, is acceptable for a one-time payment to the Aquatic Resource Mitigation (ARM) Fund for the mitigation.
11. The payment calculated for the proposed wetland loss equals \$89,440.67.
12. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
13. The payment into the ARM fund shall be deposited in the DES fund for the Lower Connecticut River watershed per RSA 482-A:29.

2015-01649

NEW ENGLAND POWER D/B/A NATIONAL GRID

SURRY Fuller Brook

Requested Action:

Dredge and fill 4,280 sq. ft./395 lin. ft. (including 2,050 sq. ft./215 lin. ft. permanent impact) of perennial stream and bank (Fuller Brook and unnamed tributary to Ashuelot River) to install sheet pile wall and boulder rip rap permanent stabilization at Structure 58A and a subsurface concrete revetment wall permanent stabilization at Structure 48 located at the 100-year flood elevation.

\*\*\*\*\*

Conservation Commission/Staff Comments:

7-16-15-Additional information needed per DHR.

APPROVE PERMIT:

Dredge and fill 4,280 sq. ft./395 lin. ft. (including 2,050 sq. ft./215 lin. ft. permanent impact) of perennial stream and bank (Fuller Brook and unnamed tributary to Ashuelot River) to install sheet pile wall and boulder rip rap permanent stabilization at Structure 58A and a subsurface concrete revetment wall permanent stabilization at Structure 48 located at the 100-year flood elevation.

With Conditions:

1. All work shall be in accordance with plans by Parsons Brinckerhoff for National Grid titled Fuller Brook Stream Bank Stabilization, Structures 58A and 48, 115kV I135N/J136N Lines in Surry, dated June 4, 2015 as received by the Department on June 30, 2015 and with revised Bank Stabilization Details, Version 2 dated September 17, 2015 as received by the Department on September 25, 2015.
2. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
3. There shall be no excavation or operation of construction equipment in flowing water.
4. Work shall be done during low flow/ low water conditions.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. The contractor responsible for completion of the work shall utilize techniques described in the Best Management Practices Manual for Utility Maintenance In and Adjacent to Wetlands and Waterbodies in New Hampshire (January 2010).
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the waters.
9. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. The final surface of the stream channel bed shall be restored using natural round stone and shall not include angular rip-rap.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a Major impact project per Administrative Rule Env-Wt 303.03(i), Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river or its banks. For intermittent streams, the distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The goal of the project is to permanently stabilize the embankments adjacent to Structure 58A and Structure 48 located along the I135/J136 115 kV electric transmission line right-of-way to protect the structure foundations against future erosion and scour, and eliminate the potential for structure failure during high flow events.
3. Two previous emergency authorizations had been issued at structure 58A (2013-01994 and 2012-01478). Work was also performed at Structure 48 under the 2013-01994 emergency authorization.
4. A follow-up report was issued per condition #2 of the previous Emergency Authorization (2013-01994). In response to the follow-up report, correspondence from NHDES, dated March 5, 2014, stating the need for a permanent stabilization solution at each location. An engineering report determined that the previously placed stone at each structure is subject to undermining.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The sheet piling installation alternative would require less excavation, will have a longer service life, and, requires less periodic maintenance.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The permanent stabilization design proposed at Structure 58A will result in 930 sq. ft. (90 lin. ft.) of permanent impact to the northern bank of Fuller Brook and 270 sq. ft. (75 lin. ft.) of permanent stream bed impact.
8. The permanent stabilization design proposed at Structure 48 will result in 850 sq. ft. (50 lin. ft.) of permanent impact to the eastern bank of the unnamed tributary adjacent to the structure.
9. Temporary access to the Structure 58A bank stabilization area will be performed by installation of a timber mat bridge which spans Fuller Brook and shall be located outside of its jurisdictional banks.
10. Compensatory mitigation is not required as the project meets the criteria of Env-Wt 302.03(c)(2,c).
11. The New Hampshire Natural Heritage Bureau (NHB) review indicated there are no recorded occurrences of sensitive species near Structure 48 (memo dated December 2, 2014).
12. The New Hampshire Natural Heritage Bureau (NHB) review for the Structure 58A indicated that although there was an NHB record of rare wildlife, plant, or natural community present in the vicinity, it is not expected to be impacted by the proposed project (memo dated December 2, 2014).
13. The USFWS indicated no listed threatened or endangered species or critical habitats in letter dated December 5, 2014
14. The applicant has indicated that NEP holds pre-existing rights from the original landowner (1926) and the US Government (1945) for a perpetual easement deed at the location of the proposed permanent stabilization activities associated with Structure 58A which includes the crossing of NH Route 12A.
15. The New Hampshire Division of Historical Resources has commented that additional information is needed in order to complete the review per the New Hampshire Division of Historical Resources response to the request for project review dated July 2, 2015.

**2015-01866                      PORTSMOUTH, CITY OF**  
**PORTSMOUTH    Piscataqua River**

Requested Action:

Impact a total of 135,975 square feet of developed and undeveloped upland tidal buffer zone, including a total of 21,745 square feet in the undeveloped tidal buffer zone (13,210 s.f. temporary and 7,505 s.f. permanent impacts); and a total of 114,230 square feet in the developed tidal buffer zone (87,220 sf. temporary and 27,010 permanent impacts) for construction to upgrade the existing Portsmouth Wastewater Treatment facility in accordance with EPA Consent Decree.

Approve as mitigation implementation of the "Invasive Species Management Plan" by Normandeau Associates dated August 18, 2015.



\*\*\*\*\*

APPROVE PERMIT:

Impact a total of 135,975 square feet of developed and undeveloped upland tidal buffer zone, including a total of 21,745 square feet in the undeveloped tidal buffer zone (13,210 s.f. temporary and 7,505 s.f. permanent impacts); and a total of 114,230 square feet in the developed tidal buffer zone (87,220 sf. temporary and 27,010 permanent impacts) for construction to upgrade the existing Portsmouth Wastewater Treatment facility in accordance with EPA Consent Decree.

Approve as mitigation implementation of the "Invasive Species Management Plan" by Normandeau Associates dated August 18, 2015.

With Conditions:

1. All work shall be in accordance with plans by AECOM dated July 2015, as received by the NH Department of Environmental Services (DES) on 7/21/2015.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. This permit is further contingent upon execution of approved mitigation "Invasive Species Management Plan" by Normandeau Associates dated August 18, 2015, with the following requirements:
  - a. The Plan shall be initiated concurrent with the project facility construction;
  - b. Initial report documenting the first season's activities shall be submitted no later than October 1;
  - c. A second report shall be submitted following the next season no later than October 1 of the second year;
  - d. A plan for long-term success and monitoring shall be submitted to DES at the end of the second year for review and approval.
4. Orange construction fence shall be installed around permitted impact areas to avoid activities expanding into unintended areas, and in further accordance with specific requirement relative to threatened species protection stated below.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. Relative to the protection of the state-threatened Marsh Elder populations the following conditions shall be adhered to:
  - a. No construction activity or equipment staging will occur outside of erosion control limits, approximately 40 feet from Marsh Elder populations;
  - b. Construction safety fencing shall be installed along either side of Peirce Island Road during the construction;
  - c. During the construction season (Dec. 1- Apr. 30) erosion control fencing will be installed around the seasonal construction trailer/staging area, located adjacent to the eastern end of Sub-population 1;
  - d. Before construction fencing is removed at the end of the construction season, and /or upon termination of the project, care should be taken to remove any sediments that have collected along the fence, so that they do not run off with storm water and impact the Marsh Elder.
7. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
8. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
9. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
10. Erosion control products shall be installed per manufacturers recommended specifications.
11. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. No concrete is to be used anywhere in the construction of the stone riprap revetment. All stone shall be dry laid or placed stone underlain with filter fabric.
13. All temporary impacts shall be remediated back to natural contours and stabilized with native seed mix, as well as planted according to the approved landscape plan immediately upon completion of project construction use of the site.
14. A report documenting such restoration shall be submitted to DES within 30 days of the restoration activities being completed.
15. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
16. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and

refueled in upland areas only.

18. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02((b) projects within 100 feet of the highest observable tide line in undeveloped uplands, relative to the work proposed for the undeveloped upland tidal buffer zone.
2. Work within the developed upland tidal buffer zone for this project is classified as minimum impact per Administrative Rule Env-Wt 303.04(b), projects in previously developed uplands within 100' of highest observable tide line that are not classified as major or minor.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The overall project is the required upgrade of the Portsmouth Wastewater Treatment plant pursuant to an EPA consent decree. This application is for the construction portion of the overall project and will be executed concurrent with the stabilization portion of the project being permitted under file 2015-1878.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project is confined to the existing site of the wastewater treatment facility for upgrade of the facility, and to areas that are undeveloped municipal parkland as for use as staging and site management. All temporarily disturbed areas will be restored immediately following completion of the project, and the City of Portsmouth has developed a landscape plan to further strengthen the integrity of the buffer once the treatment plant construction work is completed.
5. The applicant is providing compensatory mitigation for permanent tidal buffer zone impacts through the implementation of an invasive species removal and management plan which will be applied to several acres of the island that are now vegetated with invasive plants.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau ("NHB") required a field survey to locate populations of the state-threatened Marsh Elder, which was completed by Normandeau Associates and documented in a report dated July 14, 2014. NHB stated that although there are populations of the species in the immediate project vicinity, it does not expect the species to be impacted if certain stated conditions are followed. Those conditions have been included in the permit conditions.
7. DES Staff conducted a field inspection of the proposed project on August 7, 2015. Field inspection determined that the application materials accurately depict the site, and implementation of the Invasive Species Management Plan will be highly beneficial to the quality of the buffer and inner island areas.
8. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the stuarine resource, as identified under RSA 482-A:1.
9. The Portsmouth Conservation Commission recommended approval of the project.

**2015-01878                      CITY OF PORTSMOUTH**  
**PORTSMOUTH   Piscataqua River**

Requested Action:

Impact 1,040 square feet (150 linear feet) of tidal wetlands and a total of 2,445 square feet of undeveloped upland tidal buffer zone (320 sq. ft. temporary and 2,125 sq. ft. permanent impacts) over three locations for installation of rip rap revetment for shoreline bank stabilization associated with upgrade construction at the Portsmouth Pierce Island Wastewater Treatment Facility in accordance with an EPA Consent Decree.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,040 square feet (150 linear feet) of tidal wetlands and a total of 2,445 square feet of undeveloped upland tidal buffer zone (320 sq. ft. temporary and 2,125 sq. ft. permanent impacts) over three locations for installation of rip rap revetment for shoreline bank stabilization associated with upgrade construction at the Portsmouth Pierce Island Wastewater Treatment Facility in accordance with an EPA Consent Decree.

With Conditions:

1. All work shall be in accordance with plans by AECOM dated July 2015, and revised through XXXX as received by the NH Department of Environmental Services (DES) on 7/21/2015.
2. This permit is not valid unless an Alteration of Terrain permit or other method of compliance with RSA 485-A:17 and Env-Wq 1500 is achieved.
3. Orange construction fence shall be installed around permitted impact areas to avoid activities from creeping into unintended areas.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
5. Relative to the protection of the state-threatened Marsh Elder populations the following conditions shall be adhered to:
  - a. No construction activity or equipment staging will occur outside of erosion control limits, approximately 40 feet from Marsh Elder populations;
  - b. Construction safety fencing shall be installed along either side of Pierce Island Road during the construction;
  - c. During the construction season (Dec. 1- Apr. 30) erosion control fencing will be installed around the seasonal construction trailer/staging area, located adjacent to the eastern end of Sub-population 1;
  - d. Before construction fencing is removed at the end of the construction season, and /or upon termination of the project, care should be taken to remove any sediments that have collected along the fence, so that they do not run off with storm water and impact the Marsh Elder.
6. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
7. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
8. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
9. Erosion control products shall be installed per manufacturers recommended specifications.
10. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. No concrete is to be used anywhere in the construction of the stone riprap revetment. All stone shall be dry laid or placed stone underlain with filter fabric.
12. All temporary impacts shall be remediated back to natural contours and stabilized with native seed mix, as well as planted according to the approved landscape plan immediately upon completion of project construction use of the site.
13. A report documenting such restoration shall be submitted to DES within 30 days of the restoration activities being completed.
14. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
15. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
17. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects withing tidal wetlands, and per Env-Wt 303.02(b) projects within 100 feet of the highest observable tide line in undeveloped uplands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The overall project is the required upgrade of the Portsmouth Wastewater Treatment plant pursuant to an EPA consent decree. This application is for the stabilization portion of the overall project and will be executed concurrent with the construction portion of the project being permitted under file 2015-1866.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project is confined to unstable areas adjacent to the new facility areas, and will be accomplished using natural material.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau ("NHB") required a field survey to locate populations of the state-threatened Marsh Elder, which was completed by Normandeau Associates and documented in a report dated July 14, 2014. NHB stated that although there are populations of the species in the immediate project vicinity, it does not expect the species to be impacted if certain stated conditions are followed. Those conditions have been included in the permit conditions.
5. DES Staff conducted a field inspection of the proposed project on August 7, 2015. Field inspection determined that the areas of erosion were severe and in close proximity to the facility, and that the stabilization work is necessary.
6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the stuarine resource, as identified under RSA 482-A:1.
7. The Portsmouth Conservation Commission recommended approval of the project.

-Send to Governor and Executive Council-

**2015-02355                      MANCHESTER-BOSTON REGIONAL AIRPORT**  
**MANCHESTER   Cohas Brook**

**Requested Action:**

Stabilize several washouts along the bank of Cohas Brook; improve drainage above the bank installing a catch basin, culvert and infiltration basin in an effort to prevent future washouts and construct a bench at the top of the bank for the repair and reinstalling the collapsed wildlife fence surrounding the Runway 35 Localizer impacting 1,102 sq. ft. of bank.

\*\*\*\*\*

Inspection Date: 06/24/2015 by Gino E Infascelli

**APPROVE PERMIT:**

Stabilize several washouts along the bank of Cohas Brook; improve drainage above the bank installing a catch basin, culvert and infiltration basin in an effort to prevent future washouts and construct a bench at the top of the bank for the repair and reinstalling the collapsed wildlife fence surrounding the Runway 35 Localizer impacting 1,102 sq. ft. of bank.

**With Conditions:**

1. All work shall be in accordance with plans by Jacobs dated Aug. 2015 as received by the NH Department of Environmental Services (DES) on Sept. 8, 2015 unless modified by the permit conditions below.
2. Stabilization of the embankment from STA 1+25 to 1+60 shall include stone as discussed with the applicant, DES and NH Fish and Game Dept. (NH F&G) on Sept. 29, 2015 so as to dissuade turtles from using the area.
3. The aluminum grate for the catch basin(s) shall not have openings larger than 3/8 in. to prevent entrapment of turtles and snakes of concern.
4. The permittee shall notify the DES Wetlands Program in writing of the certified wetlands scientist or qualified professional, as applicable, who will be responsible for monitoring and ensuring that the restoration/enhancement/construction areas are constructed in accordance with the approved plans. The permittee shall re-notify the DES Wetlands Program if the identity of the individual changes during the project.
5. A certified wetlands scientist or qualified professional, as applicable, shall monitor the project during construction to verify that all work is done in accordance with the approved plans (as conditioned by this permit) and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur.
6. A certified wetlands scientist or qualified professional shall inspect all areas to be travelled by equipment prior to any disturbance.

each day with the intent of identifying the species of concern.

7. The qualified professional shall notify the DES file and NH F& G:

- a. By e-mail of the intent to start construction two days prior to the start of the project;
- b. One week into construction submit a progress report;
- c. After the construction is complete submit a progress report, and
- d. Six months after the construction is complete submit a progress report.

8. Sightings of any snakes of concern shall be reported immediately to NH Fish & Game.

9. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

11. Where construction activities occur between November 30 and May 1, all exposed soil areas shall be stabilized within 1 day of establishing the grade that is final or that otherwise will exist for more than 5 days.

12. The permittee or permittee's contractor shall properly construct, landscape, and monitor the impact areas, and shall take such remedial actions as may be necessary to stabilize the areas.

13. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.

14. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

15. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.

16. Any fill used shall be clean sand, gravel, rock, or other suitable material.

17. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.

18. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).

19. All activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B, Shoreland Water Quality Protection Act, and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.

#### With Findings:

1. This is a major impact project per Administrative Rules Env-Wt 303.02(i), projects that disturb more than 200 linear feet of stream bank and Env-Wt 303.02(k), projects that have documented occurrences of state or federally listed endangered or threatened species.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on June 24, 2015. Field inspection determined that stabilizing the bank will reduce future impacts to Cohas Brook and associated wetlands.

6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

7. Mitigation is not required as both the stabilization method and permit conditions will avoid impacts to species of concern along with the project design that will reduce or eliminate erosion into the river from the site.

**MINOR IMPACT PROJECT**

\*\*\*\*\*

**2014-01928                      DAVID PELLETIER CONSTRUCTION CO INC**  
**EPSOM    Unnamed Stream**

**WITHDRAW APPLICATION:**

Withdraw application proposal to impact 226 sq. ft. of wetlands and associated stream, Tier 2, for access to a buildable lot.

**With Findings:**

1. On November 21, 2014, the department received an e-mail from the applicant's agent requesting withdrawal of the pending application to impact 226 sq. ft. of wetlands and associated stream, Tier 2, for access to a buildable lot.
2. The department has processed the request and no further permitting action will be taken on the applications/file.

**2015-00823                      GERRIOR LANE TRUST**  
**BARRINGTON    Unnamed Wetland**

**Requested Action:**

Proposal to dredge and fill a total of 7,375 sq. ft. of wetland and surface water, 7,075 sq. ft. permanent and 300 sq. ft. temporary, and installation of a 7 ft. 3 in. wide x 5 ft. 11 in. high x 63 ft. long metal pipe arch embedded 12 in. to construct a shared driveway to access two lots for a ten lot single-family subdivision.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

4/17/15 - No historic properties affected per DHR.

4/24/15 Barrington Land Use Dept. believe the stream is perennial and not intermittent. They support the use of the large "critter friendly" culvert and believe that its use more than compensates for the large impact area. Overall, they do not object to the permit.

**APPROVE PERMIT:**

Dredge and fill a total of 7,375 sq. ft. of wetland and surface water, 7,075 sq. ft. permanent and 300 sq. ft. temporary, and installation of a 7 ft. 3 in. wide x 5 ft. 11 in. high x 63 ft. long metal pipe arch embedded 12 in. to construct a shared driveway to access two lots for a ten lot single-family subdivision.

**With Conditions:**

1. All work shall be in accordance with plans by MJS Engineering, PC dated March 30, 2015, as received by the NH Department of Environmental Services (DES) on April 13, 2015.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further approval by the Bureau.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Any dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and

mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

11. Faulty equipment shall be repaired prior to entering jurisdictional areas.

12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

13. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that wetland impact is necessary to access buildable uplands.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. This project qualifies as a Tier 1 Stream Crossing and the applicant has designed the stream crossing in accordance with Env-Wt 900. The applicant has demonstrated that the proposed crossing has been designed to accommodate the 50-year frequency flood without restriction, is a closed-bottom culverts embedded to mimic the natural channel, and should not disrupt the movement of indigenous aquatic life. Further, the stream crossing was reviewed by NH Fish and Game Department.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. 6. NH Natural Heritage Bureau has record of sensitive species within the project vicinity. The applicant coordinated with NH Fish and Game Department and designed the crossing to minimize impacts to the species.

7. The Barrington Conservation Commission has no overall objection to the application.

**2015-01048                      BELLEMORE ASSOC LLC**  
**BEDFORD   Unnamed Wetland**

**WITHDRAW APPLICATION:**

Withdraw application proposal for 5,150 sq. ft. of wetlands fill to create a construction lay down area for the contractor reconstructing South River Road.

**With Findings:**

1. On August 18, 2015, the department received a letter from the applicant's agent requesting withdrawal of the pending application for 5,150 sq. ft. of wetlands fill to create a construction lay down area for the contractor reconstructing South River Road.

2. The department has processed the request and no further permitting action will be taken on the applications/file.

**2015-01289                      BMRO REAL ESTATE HOLDINGS LLC**  
**ERROL   Unnamed Stream**

**Requested Action:**

Proposal for after-the-fact approval to retain 505 sq. ft. of stream and wetlands for the installation of a 36 in. x 30 ft. CMP culvert and associated fill and retaining wall for a recreational trail access.

\*\*\*\*\*

**APPROVE AFTER THE FACT:**

After-the-fact approval to retain 505 sq. ft. of stream and wetlands for the installation of a 36 in. x 30 ft. CMP culvert and associated fill and retaining wall for a recreational trail access.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, Inc., dated May 2015, and revised through 9/15 as received by the NH Department of Environmental Services (DES) on September 18, 2015.
2. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
3. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
4. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate siltation, erosion, and turbidity controls shall remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(o) Any project that qualifies as a minor impact project under Env-Wt 903.01(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The crossing is for recreational trail access to the commercial property (General Store).
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The application was submitted in response to an associated compliance file for installation of a culvert without a permit (Wetlands Bureau File #2014-01675).
6. The crossing is within a Tier 2 watershed.
7. Due to the upstream dam, pond and 30 inch x 100 foot outlet culvert the applicant's agent has requested that the crossing be reviewed as an alternative design per Env-Wt 904.09 because it is not practicable to install an open bottom culvert structure directly adjacent to an upstream culvert and dam.
8. The applicant provided the required report stamped by a NH licensed professional ("PE").
9. The upstream culvert and dam limits the flow to the installed 36 inch culvert/crossing.
10. The applicant's agent indicated that the 100 year storm does not overtop the berm at the adjacent pond outlet.
11. The agent indicated that the "alternative design will not increase the flood storage on abutting properties based on the maximum flow of 49 cfs that is controlled by the pond outlet and can pass through the existing 30 inch culvert. The new 36 inch culvert will pass 49 cfs with a flood elevation of less than 1219.82 which is lower than the existing abutting home by more than 1 foot."
12. The submitted plans are stamped by a PE.
13. The crossing is only for a recreational trail access.
14. The department has not received any comments regarding the proposed application to retain the culvert crossing.

**2015-02084**                      **KLUDT, PATRICIA/STEVEN**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Replace 50 linear ft. of concrete retaining wall with a stone retaining wall having the same height, length, location, and configuration on an average of 105 ft of frontage along Lake Winnepesaukee in Moultonborough.

\*\*\*\*\*

Conservation Commission/Staff Comments:

8/13/15 Con. Com. has no objections to issuance of permit.



9-3-15- No historic properties affected per DHR.

**APPROVE PERMIT:**

Replace 50 linear ft. of concrete retaining wall with a stone retaining wall having the same height, length, location, and configuration on an average of 105 ft of frontage along Lake Winnepesaukee in Moultonborough.

**With Conditions:**

1. All work shall be in accordance with plans by Belknap Landscape Company dated July 08, 2015, as received by the NH Department of Environmental Services (DES) on August 07, 2015 and cross section plans as received on September 30, 2015.
2. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
3. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
4. This permit shall not preclude DES from initiating appropriate action if DES later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permitted were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
6. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
7. Work shall be done during low flow and in the dry only.
8. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
10. The retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
11. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A . Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
12. The permittee/permittee' s contractor shall revegetate the disturbed area with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project, exclusive of any invasive or nuisance species.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j) repair or replacement of existing retaining walls that requires work in the water, but that results in no change in height, length, location, or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

\*\*\*\*\*

**2010-01512                      MONROE, JAY & SUSAN**  
**WOLFEBORO   Unnamed Wetland**

**Requested Action:**

Request permit time extension.

Dredge and fill 1,850 sq. ft. (includes 200 sq. ft. temporary impact) of poorly drained forested wetlands for installation of a 12 in. x 30 ft. culvert with associated grading, filling and headwalls for driveway access to an existing home.

\*\*\*\*\*

**APPROVE TIME EXTENSION:**

Dredge and fill 1,850 sq. ft. (includes 200 sq. ft. temporary impact) of poorly drained forested wetlands for installation of a 12 in. x 30 ft. culvert with associated grading, filling and headwalls for driveway access to an existing home.

**With Conditions:**

1. All work shall be in accordance with plans by Folsom Design Group, Driveway Crossing plan sheet dated May 20, 2010, narratives and erosion control detail and cross section detail sheet, as received by DES on June 7, 2010 and narrative dated September 17, 2010, as received by DES on September 17, 2010.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.
2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

**2014-02025                      BEDFORD, TOWN OF  
BEDFORD   Mcquesten Brook**

**Requested Action:**

Proposal to dredge and fill 8,546 sq. ft., 391 lin. feet of stream bed and banks, Tier 2 stream crossing, "McQuesten Brook" to replace

the existing 36 in. x 50 ft. RCP culvert in Eastman Avenue with a 15 ft. span x 4 ft. rise (center of opening after installed) x 44 ft. run precast concrete bridge, with associated natural stream bed and bank restoration and remove the 36 in. x 30 ft. RCP culvert in Wathen Road and restore the stream bed, banks and associated floodplain area. Work in jurisdiction includes removal of the existing culverts, construction of the bridge on Eastman Avenue, removal of the stone in-stream structure adjacent to Eastman Avenue, associated grading, filling, stream bed and banks restoration, construction of a log crib wall bank at the restored Wathen Road crossing, floodplain restoration and associated temporary erosion/turbidity controls and water diversion.

\*\*\*\*\*

#### APPROVE PERMIT:

Dredge and fill 8,924 sq. ft., 391 lin. feet of stream bed and banks, Tier 2 stream crossing, "McQuesten Brook" to replace the existing 36 in. x 50 ft. RCP culvert in Eastman Avenue with a 15 ft. span x 4 ft. rise (center of opening after installed) x 44 ft. run precast concrete bridge, with associated natural stream bed and bank restoration and remove the 36 in. x 30 ft. RCP culvert in Wathen Road and restore the stream bed, banks and associated floodplain area. Work in jurisdiction includes removal of the existing culverts, construction of the bridge on Eastman Avenue, removal of the stone in-stream structure adjacent to Eastman Avenue, associated grading, filling, stream bed and banks restoration, construction of a log crib wall bank at the restored Wathen Road crossing, floodplain restoration and associated temporary erosion/turbidity controls and water diversion.

#### With Conditions:

1. All work shall be in accordance with plans by McFarland Johnson dated 07/17/2014, as received by the NH Department of Environmental Services (DES) on July 28, 2014 and plan/sketch by NHDES dated 8/22/14 as received by DES on September 12, 2014.
2. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property. Copies shall be supplied to DES Wetlands Bureau File No. 2014-02025 prior to construction.
3. Work shall be done during annual low flow conditions and during the months of May through September unless approved by the NH Fish and Game Department.
4. The Town/applicant shall coordinate the timing of work with the New Hampshire Department of Transportation.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be done during low flow.
8. The final surface of the stream channel bed shall be restored using natural round stone or existing natural streambed materials and shall not include angular rip-rap.
9. The restored floodplain plantings shall have at least 75% successful establishment after two (2) growing seasons, or it shall be replanted and re-established replicated in a manner satisfactory to the DES Wetlands Bureau.
10. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation for access.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching with straw during the growing season, or if not within the growing season, by mulching with straw/tack or bio-degradable matting on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching with straw.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching with straw and tack. Slopes steeper than 3:1 shall be stabilized by bio-degradable matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a Minimum Impact Project per Administrative Rule Env-Wt 303.04 (t) Restoration of altered or degraded wetlands provided the project: (1) Receives financial support and direct supervision of a New Hampshire state agency, the US Environmental Protection Agency, the US Army Corps of Engineers, the US Natural Resources Conservation Service, or the US Fish and Wildlife Service; (2) Shall not be used to perform restoration in cases where the applicant is subject to a removal or restoration order; (3) Is not located in or adjacent to prime wetlands; and (4) Does not meet the criteria of Env-Wt 303.02(k).
2. The project is receiving funding and oversight from the department.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The project is being conducted to remove two undersized culverts carrying McQuesten Brook under Eastman Avenue and Wathen Road, reduce upstream flooding and to improve aquatic habitat and aquatic organism passage.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The project includes upgrading one 36 in. diameter culvert to a 15 foot span bridge and removal of a second crossing with associated stream, stream bed and floodplain restoration.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
8. The applicant's agent provided a complete response to Env-Wt 904.01.
9. The applicant's agent has indicated that the replacement culvert will accommodate the 50-year storm with 1-foot of freeboard.
10. The new crossing proposal was submitted in accordance with Env-Wt 904.07.
11. The project plan by McFarland Johnson are stamped by a New Hampshire licensed Professional Engineer ("PE").
12. The applicant's agent indicated in the application that the culvert replacement and removal of downstream of the project was studied and it was concluded that they would have no impact on the downstream culvert.
13. The applicant's PE provided additional documentation (see letter dated and received October 27, 2014) to address of potential impacts to the Interstate 293 culvert and surrounding properties.
14. The New Hampshire Department of Transportation ("NHDOT") is aware of the proposed project and has evaluated the project in relation to the downstream NHDOT culvert at Interstate 293 (see file for NHDOT letter dated April 1, 2015 and associated report dated March 13, 2015).
15. This approval is conditioned on coordination with NHDOT on the timing of the proposed project.
16. The NHDOT provided additional information (see letter dated October 2, 2015) indicating that NHDOT is not opposed to granting of a permit to allow the restoration work to proceed.
17. The culvert replacement and associated stream restoration is one part of the watershed restoration project and future permitting is anticipated for associated dam removals.
18. The department has not received any comments in objection of the proposed project.

**2015-01081                      DROUIN, DENNIS AND PATRICIA**  
**HILLSBOROUGH   Gould Pond**

Requested Action:

Retain 17 cubic yards of sand placed within a total of 2196 sq. ft. on three adjacent beach lots; 1206 sq. ft. on lots 625 and 626, and 990 sq. ft. on lot 627 along Gould Pond, in Hillsborough.

\*\*\*\*\*

APPROVE AFTER THE FACT:

Retain 17 cubic yards of sand placed within a total of 2196 sq. ft. on three adjacent beach lots; 1206 sq. ft. on lots 625 and 626, and 990 sq. ft. on lot 627 along Gould Pond, in Hillsborough.

With Conditions:

1. The frontage shall be maintained as shown on plans as received by the NH Department of Environmental Services (DES) on August 10, 2015.
2. The frontage shall be maintained in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400.
3. This approval does not allow for additional sand to be added to the beaches.
4. Any future beach replenishment shall require a new permit.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa) replenishment of sand on an existing beach.
2. Each beach was replenished with less than 10 cubic yards of sand, for a total of approximately 17 cubic yards of sand on 2 adjacent beaches.

**2015-01624                      MCMAHON, BENJAMIN**  
**NOTTINGHAM   Pawtuckaway Pond**

Requested Action:

Construct a 160 sq. ft. perched beach with no more than 3 cubic yards of sand, repair an existing wharf along the shoreline "in kind" with no change in dimensions or configuration, on Pawtuckaway Lake, Nottingham.

\*\*\*\*\*

Conservation Commission/Staff Comments:

7-16-15-No historic properties affected per DHR.

APPROVE PERMIT:

Construct a 160 sq. ft. perched beach with no more than 3 cubic yards of sand, repair an existing wharf along the shoreline "in kind" with no change in dimensions or configuration, on Pawtuckaway Lake, Nottingham.

With Conditions:

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on September 10, 2015.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the DES Wetlands Program by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
4. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
5. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
9. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual,

Volume 3, Erosion and Sediment Controls During Construction (December 2008).

10. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
11. All construction-related debris shall be placed outside of areas subject to RSA 482-A jurisdiction.
12. This permit does not allow dredging for any purpose.
13. Stone placed along the beach front for the purpose of retaining sand shall be placed above and landward of those rocks currently located along the normal high water line (Elevation 250). The rocks existing at the normal high water line shall remain undisturbed such that the natural shoreline remains visible and intact.
14. No more than 3 cu. yd. of sand shall be used and all sand shall be located above the normal high water line.
15. This permit authorizes a single beach replenishment only. Any future beach replenishment shall require a new permit.
16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.
18. A combination of trees, shrubs and ground covers representing the density and species diversity of the vegetation present prior to construction shall be replanted beginning at a distance no greater than 5 feet landward from the beach area.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2015-01867  
STRATHAM

JACKSON, MARTHA FOLEY

Requested Action:

Temporarily impact approximately 2,000 square feet along 250 linear feet of a man-made ditch to stabilize eroding banks which includes permanently impacting approximately 500 square feet to fill a forested wetland to relocate 100 linear feet of the man-made ditch to protect an existing fence and pool area.

\*\*\*\*\*

Inspection Date: 10/05/2015 by Eben M Lewis

APPROVE PERMIT:

Temporarily impact approximately 2,000 square feet along 250 linear feet of a man-made ditch to stabilize eroding banks which includes permanently impacting approximately 500 square feet to fill a forested wetland to relocate 100 linear feet of the man-made ditch to protect an existing fence and pool area.

With Conditions:

1. All work shall be in accordance with the 'Wetland Permitting Plan' by Jones & Beach Engineers, Inc. dated 6/10/15, and revised through 10/5/15, as received by DES on October 8, 2015.
2. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
3. Work shall be done during low flow and in the dry only.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

9. A certified wetlands scientist shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur. A follow-up report including photographs of all stages of construction shall be submitted to the DES Wetlands Program within 60 days of final site stabilization.
10. No excavation shall be done in flowing water. No construction equipment shall be operated in flowing water.
11. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
12. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
13. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.
16. To prevent the introduction of invasive plant species to the site, the permittee's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.
17. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT Best Management Practices for Roadside Invasive Plants (2008).
18. The permittee/permittee's contractor shall regrade temporary impacts to pre-construction conditions and plant native species similar to those within the wetland prior to impact. The permittee shall implement corrective measure promptly if needed to ensure the plantings survive.
19. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The impacts are necessary to protect an existing fence and pool in addition to stabilizing the eroding banks of the existing ditch; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The banks of the ditch will be stabilized to prevent further erosion and enhance animal passage as the side slopes of the banks will be reduced to 4:1; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Env-Wt 304.04(a), the applicant received written concurrence for those impacts within 20-feet of the abutter located on Stratham Tax Map 14 Lot 143.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
7. The Stratham Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.

**2015-01975                      DEPT OF RESOURCES & ECONOMIC DEV**  
**ODELL   Nash Stream**

Requested Action:

Restore 2,000 square feet (120 linear feet) of the bed and banks of Nash Stream, a perennial stream. Work in jurisdiction includes the removal of an existing undersized 5 foot culvert and the restoration of the stream bed and banks. The stream crossing will be replaced with a 36 foot clear span bridge installed landward of top of bank to landward of top of bank.

\*\*\*\*\*

APPROVE PERMIT:

Restore 2,000 square feet (120 linear feet) of the bed and banks of Nash Stream, a perennial stream. Work in jurisdiction includes the removal of an existing undersized 5 foot culvert and the restoration of the stream bed and banks. The stream crossing will be replaced with a 36 foot clear span bridge installed landward of top of bank to landward of top of bank.

With Conditions:

1. All work shall be in accordance with plans and narrative as received by DES on July 29, 2015.
2. A qualified professional with river restoration experience shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
3. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
4. The new bridge shall be built in accordance with Env-Wt 303.05 (r): any stream crossing built landward of the top of one bank to landward of the top of the opposite bank so as not to impact jurisdictional areas.
5. Materials used to emulate a natural channel bottom in the stream restoration areas must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap.
6. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
7. Work shall be done during low flow.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
11. Construction in cold water fishery streams shall not occur between October 1 and May 1 to minimize impacts to the fishery unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
12. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
21. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.



With Findings:

1. This is a Minimum Impact Project per Env-Wt 303.04 (t) Restoration of altered or degraded wetlands provided the project: (1) Receives financial support and direct supervision of a New Hampshire state agency, the US Environmental Protection Agency, the US Army Corps of Engineers, the US Natural Resources Conservation Service, or the US Fish and Wildlife Service; (2) Shall not be used to perform restoration in cases where the applicant is subject to a removal or restoration order; (3) Is not located in or adjacent to prime wetlands; and (4) Does not meet the criteria of Env-Wt 303.02(k).
2. The is part of the Nash Stream Restoration Project, a collaborative effort by the Department of Resources and Economic Development, Trout Unlimited and NH Fish and Game Department.
3. The objectives of the Restoration Project are to restore natural fluvial processes and habitat in the Nash Stream watershed.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04 Requirements for Application Evaluation, has been considered in the design of the project.
6. The existing culvert is geomorphically undersized.
7. The proposed project will remove the undersized culvert, restore the stream bed and banks; restoring geomorphic compatibility, aquatic habitat and aquatic organism passage.
8. The culvert will be replaced with a new bridge (40 foot; 36 foot clear span) built in accordance with Env-Wt 303.05 (r): any stream crossing built landward of the top of one bank to landward of the top of the opposite bank so as not to impact jurisdictional areas.
9. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2015-02018                      133 EASTSIDE ROAD LLC**  
**HARRISVILLE   Silver Lake**

Requested Action:

Install 3 ft. wide access steps in the bank on an average of 92 ft. of frontage along Silver Lake, in Harrisville.

\*\*\*\*\*

APPROVE PERMIT:

Install 3 ft. wide access steps in the bank on an average of 92 ft. of frontage along Silver Lake, in Harrisville.

With Conditions:

1. All work shall be in accordance with plans by Brickstone Land Use Consultants dated September 18, 2014, as received by the NH Department of Environmental Services (DES) on August 3, 2015.
2. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code Admin. Rules Env-Wq 1400 during and after construction.
3. Work authorized shall be carried out such that there are no discharges in or to spawning or nursery areas during spawning seasons. Impacts to such areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. The steps installed for access to the water shall be located completely landward of the normal high water line.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m) projects that disturb less than 50 linear feet,

measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02.

**2015-02109                      PEASE DEVELOPMENT AUTHORITY  
PORTSMOUTH   Unnamed Wetland**

**Requested Action:**

Proposal to retain 348 sq. ft. of fill in wetland for the construction of a parking lot for a commercial development.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

9-3-15- No historic properties affected per DHR.

**APPROVE AFTER THE FACT:**

Retain 348 sq. ft. of fill in wetland for the construction of a parking lot for a commercial development.

**With Conditions:**

1. All work shall be in accordance with plans by Ambit Engineering, Inc., dated August 7, 2015, as received by the NH Department of Environmental Services (DES) on August 11, 2015.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant minimized impacts by avoiding the larger wetland complex located in the eastern portion of the property. Further, the applicant's agent prepared a functions and values assessment of the impacted wetland on the property and determined that the wetland area did not perform any principal functions and/or values due to its small size, limited hydrologic source, and redevelopment surrounding the wetland.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau (NHB) has record of a sensitive species within the vicinity of the project, but NHB does not expect impacts to the species by the project.
5. The Portsmouth Conservation Commission recommends approval of the project.

**2015-02430                      OBRIEN, DEIRDRE  
MOULTONBOROUGH**

**Requested Action:**

Dredge and fill 795 sq. ft. of forested wetlands for access to a proposed home. Work in wetlands consists of installation of a 12 in. x 20 ft. culvert, associated grading, filling and temporary erosion controls.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill 795 sq. ft. of forested wetlands for access to a proposed home. Work in wetlands consists of installation of a 12 in. x 20 ft. culvert, associated grading, filling and temporary erosion controls.

With Conditions:

1. All work shall be in accordance with plans by Bollinger Associates dated 7/2015, as received by the NH Department of Environmental Services (DES) on September 14, 2015.
2. This permit is not valid unless a septic system construction approval or other compliance with RSA 485-A:29-44 and Env-Wq 1000 is achieved.
3. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.
4. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
5. Work shall be done during low flow and in the dry only.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. The contractor responsible for completion of the work shall use techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Areas cleared of vegetation must be revegetated with like native species within three days of the completion of the disturbance.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, with a preferred undisturbed vegetated buffer of at least 50 feet and a minimum undisturbed vegetative buffer of 20 feet.
11. Dredged materials, whether to be stockpiled or disposed of, shall be dewatered in sedimentation basins lined with siltation and erosion controls, and located outside of areas subject to RSA 482-A jurisdiction.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
14. The permittee's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tackifiers on slopes less than 3:1 or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. On September 14, 2105, the department receive comments from conservation commission recommending that the owners try to share a driveway with their neighbors in order to access their property and indicating that a driveway that would cross wetlands to the north or east boundaries would disturb a large area of wetlands.
6. The adjacent lot has an established private driveway.
7. The applicant's agent has indicated that the proposed access is to a pre-existing lot of record.
8. The impact needed of 795 square feet to access the new lot is classified as a minimum impact project.
9. The department does not typically require the applicant to consider a shared driveway when only minimal wetland impacts are

proposed, there is only one lot owned by the applicant and the subject lot is not part of a new subdivision.

## FORESTRY NOTIFICATION

\*\*\*\*\*

**2015-02572                      FENANDER, MARGARET**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth, Tax Map #412, Lot #17

**2015-02617                      HURST, DAVID**  
**FRANKLIN   Unnamed Stream**

Requested Action:  
Franklin, Tax Map 138, Lot 405  
\*\*\*\*\*

**2015-02662                      JUDGE, STANLEY**  
**SHELBURNE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Shelburne, Tax Map #7, Lot #56, 57

**2015-02667                      SNOW, STEPHEN**  
**BROOKFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Brookfield; Tax Map(s) #38, 39; Lot(s) #4&5, 3

**2015-02671                      NEILSON, ROBERT**  
**ALTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Alton, Tax Map #3, Lot #5

**2015-02673                      SCHULER, SCOT**  
**WILMOT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wilmot, Tax Map #10, Lot #6-3

**2015-02675                      PETELL, GUY**  
**LOUDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Loudon, Tax Map #21, Lot #10

**2015-02685                      CHAPMAN SANCTUARY/VISNEY WOODS**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich, Tax Map #R-14, Lot #6, 7 & 13

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2010-02562                      LEAVITT, HOWARD**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:  
Request permit time extension.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed Exp Application

APPROVE TIME EXTENSION:  
Repair an existing 28 ft 2 in x 37 ft 5 in boat house with a 10 ft x 38 ft 3 in crib supported dock and a 4 ft x 37 ft 5 in crib supported dock, repair an existing 32 linear feet of retaining wall around the beach, on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated September 2, 2010, as received by the NH Department of Environmental Services (DES) on September 23, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the

applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 482-A:3, XIV-a, and Env-Wt 502.01.

2. This permit has been extended in accordance with RSA 482-A:3, XIV-a and Env-Wt 502.01.

**2015-01467                      JOYCE, MICHAEL/PAMELA**  
**MOULTONBOROUGH**

WITHDRAW APPLICATION:

Withdrawn application proposal to impact 465 sq. ft. of forested/scrub-shrub poorly-drained wetlands in order to shift an existing driveway.

With Findings:

1. On September 11, 2015, the department received a letter from the applicant's agent requesting withdrawal of the pending application to impact 465 sq. ft. of forested/scrub-shrub poorly-drained wetlands in order to shift an existing driveway.

2. The department has processed the request and no further permitting action will be taken on the applications/file.

**2015-02550                      JOY, DAVID**  
**UNION    Unnamed Stream**

Requested Action:

Proposal to fill a total of 615 sq. ft. of intermittent stream in two locations to construct two driveways to serve two single family residential lots on approximately 15 acres including the following: Wetland Impact #1: 375 sq. ft. and installation of two 15 inch x 29 ft. long CPP culverts; Wetland Impact #2: 240 sq. ft. and installation of two 15 inch x 24 ft. long CPP culverts.

\*\*\*\*\*

APPROVE PERMIT:

Fill a total of 615 sq. ft. of intermittent stream in two locations to construct two driveways to serve two single family residential lots on approximately 15 acres including the following: Wetland Impact #1: 375 sq. ft. and installation of two 15 inch x 29 ft. long CPP culverts; Wetland Impact #2: 240 sq. ft. and installation of two 15 inch x 24 ft. long CPP culverts.

With Conditions:

1. All work shall be in accordance with plans by Fox Survey Company dated September 14, 2015 as received by the NH Department of Environmental Services (DES) on September 24, 2015.

2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

3. The deed which accompanies the sales transaction for each of the lots shall contain condition #2 of this approval.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

12. Faulty equipment shall be repaired prior to entering jurisdictional areas.

13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

14. All refueling of equipment shall occur outside of surface waters or wetlands.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet in swamps and wet meadows.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that the impact is necessary to access uplands.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has demonstrated that the crossings are located at the most narrow location.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. 5. The NH Natural Heritage Bureau has no record of sensitive species within the project vicinity. 6. The Wakefield Conservation Commission signed the application waiving its right to intervene per RSA 482-A:11, believes that the application and submitted plans accurately represent the proposed project, and has no objection to permitting the proposed work.

**AGRICULTURE MINIMUM**

\*\*\*\*\*

**2015-02110                      WHITE, SANDRA**  
**SUGAR HILL    Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 17,400 square feet of wet meadow and stream/drainage swale wetlands for channel stabilization.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill approximately 17,400 square feet of wet meadow and stream/drainage swale wetlands for channel stabilization.

**With Conditions:**

1. All work shall be done in accordance with plans by NRCS (sheets 4 and 5 of 9) as received by the NH Department of Environmental Services (DES) on August 20, 2015.

2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, September 1998.

3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.

4. This permit shall be recorded with the county Registry of Deeds office by the permittee.

5. A qualified professional shall monitor the project during construction to verify that all work is done in accordance with the approved plans and narratives, adequate siltation and erosion controls are properly implemented, and no water quality violations occur.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low flow or no flow.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use. All refueling of equipment shall occur outside of surface waters or wetlands.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u) Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. NRCS indicated that there is severe gully erosion and the grass lined swales have not been holding; there is erosion along the length of the waterway.
4. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.

**LAKES-SEASONAL DOCK NOTIF**

\*\*\*\*\*

**2015-02623                      WHORTLEBERRY ISLAND ASSOCIATION**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Installation of a seasonal docking structure.

\*\*\*\*\*

COMPLETE NOTIFICATION:

Installation of a seasonal docking structure.

**2015-02625                      WRIGHT, STEVEN**  
**EFFINGHAM   Province Lake**

Requested Action:

Installation of a seasonal docking structure.

\*\*\*\*\*



COMPLETE NOTIFICATION:

Installation of a seasonal docking structure.

ROADWAY MAINTENANCE NOTIF

\*\*\*\*\*

2015-02702                      AUBURN, TOWN OF  
AUBURN   Unnamed Stream Unnamed Wetland

COMPLETE NOTIFICATION:

A 24" CMP culvert will be replaced with a 36" and a 15" culvert to be replaced with an 18".

PERMIT BY NOTIFICATION

\*\*\*\*\*

2015-02467                      ROGERS, STANLEY  
GILFORD   Lake Winnepesaukee

Requested Action:

Repair an existing 111 linear feet of retaining wall, Lake Winnepesaukee, Gilford.

\*\*\*\*\*

PBN DISQUALIFIED:

Repair an existing 111 linear feet of retaining wall, Lake Winnepesaukee, Gilford.

With Findings:

1. The information submitted does not support the claim of an existing wall on this frontage.

2015-02468                      MACPHEE, ROBERT & PAULA  
MEREDITH   Lake Winnepesaukee

Requested Action:

Maintenance, repair and replacement in-kind of existing docking structures, provided no change in location, configuration, construction type or dimensions is proposed in accordance with plans dated September 8, 2015.

\*\*\*\*\*

PBN IS COMPLETE:

Maintenance, repair and replacement in-kind of existing docking structures, provided no change in location, configuration, construction type or dimensions is proposed in accordance with plans dated September 8, 2015.

2015-02512                      LAKESIDE COLONY  
TUFTONBORO   Lake Winnepesaukee

Requested Action:

Maintenance, repair or replacement in-kind of existing docking structures provided no change in location, configuration, construction type or dimensions is proposed in accordance with plans dated August 17, 2015.

\*\*\*\*\*

Conservation Commission/Staff Comments:

10/2/2015 Con Com has no objections. They noted power outlets existed on both docks.

PBN IS COMPLETE:

Maintenance, repair or replacement in-kind of existing docking structures provided no change in location, configuration, construction type or dimensions is proposed in accordance with plans dated August 17, 2015.

**2015-02520                      SMITH, CRAIG**  
**THORNTON   Unnamed Wetland**

PBN DISQUALIFIED:

Disqualify Permit by Notification to dredge and fill 848 square feet of wetlands and an intermittent stream for the access to a single family lot.

With Findings:

1. Env-Wt 506.01 Projects Qualifying for Permit by Notification.

(1) The construction or modification of a seasonal pier or wharf, located on a stream or river, that meets the criteria in Env-Wt 303.04(a);

(2) The repair or replacement of an existing retaining wall that meets the criteria in Env-Wt 303.04(c);

(3) Maintenance dredging that meets the criteria in Env-Wt 303.04(k);

(4) The construction of a temporary cofferdam and other water control devices that meets the criteria in Env-Wt 303.04(l);

(5) The repair of an existing docking structure that meets the criteria in Env-Wt 303.04(v);

(6) The excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, that meets the criteria in Env-Wt 303.04(w);

(7) The maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x);

(8) The replacement of a culvert or bridge and associated fill to permit vehicular access to one single family residence or building lot or to another property for noncommercial recreational use, including conservation projects, upgraded if necessary to meet the general design considerations specified in Env-Wt 904.01, provided the crossing is located on a watercourse where:

a. The contributing watershed is less than or equal to 25 acres; and

b. The criteria in Env-Wt 303.04(z) are met;

(9) The replenishment of an existing beach that meets the criteria in Env-Wt 303.04(aa);

(10) The construction of an anchoring pad for a seasonal dock that meets the criteria in Env-Wt 303.04(ab);

(11) The installation of a seasonal boatlift that meets the criteria of Env-Wt 303.04(ac);

(12) The installation of a personal watercraft lift that meets that criteria of Env-Wt 303.04(ad);

(13) The installation of a residential utility line that meets the criteria of Env-Wt 303.04(ae);

(14) Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).

2. The Administrative Rules for PBNs changed in May of 2010 and they no longer cover new culvert crossings.

3. The department recognizes the need for the project, however, the proposed activities do not qualify for the Permit By Notification process.

**2015-02640                      LEDGECROFT CONDO ASSOC, MARC RICHARD**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Repair/replacement in-kind of existing docking structures, provided no change in location, configuration, construction type or dimensions is proposed in accordance with plans dated September 19, 2015. Repair/replacement of the existing retaining walls shall be performed "in the dry" during drawdown of waters, resulting in no change in height, length, location or configuration in accordance with plans dated September 21, 2015, as revised in response to a More Information Request sent by the Department on October 6, 2015.

\*\*\*\*\*

PBN IS COMPLETE:

Repair/replacement in-kind of existing docking structures, provided no change in location, configuration, construction type or dimensions is proposed in accordance with plans dated September 19, 2015. Repair/replacement of the existing retaining walls shall be performed "in the dry" during drawdown of waters, resulting in no change in height, length, location or configuration in accordance with plans dated September 21, 2015, as revised in response to a More Information Request sent by the Department on October 6, 2015.

**2015-02677**                      **EVERETT, LINNEA**  
**HEBRON**   **Newfound Lake**

Requested Action:

Repair or replacement of the existing retaining walls shall be performed "in the dry" during drawdown of waters, resulting in no change in height, length, location or configuration in accordance with plans dated September 2015.

\*\*\*\*\*

PBN IS COMPLETE:

Repair or replacement of the existing retaining walls shall be performed "in the dry" during drawdown of waters, resulting in no change in height, length, location or configuration in accordance with plans dated September 2015.

**2015-02678**                      **COHEN, BURT & BARBARA**  
**HEBRON**   **Newfound Lake**

Requested Action:

Repair or replacement of the existing retaining walls shall be performed "in the dry" during drawdown of waters, resulting in no change in height, length, location or configuration in accordance with plans dated September 2015.

\*\*\*\*\*

PBN IS COMPLETE:

Repair or replacement of the existing retaining walls shall be performed "in the dry" during drawdown of waters, resulting in no change in height, length, location or configuration in accordance with plans dated September 2015.

**CSPA PERMIT**

\*\*\*\*\*

**2010-02762**                      **COOLEY, KENNETH**  
**PELHAM**   **Little Island Pond**

Requested Action:

Request permit name change to: Kenneth J. Cooley

Impact 4,365 sq ft in order to raze an existing structure and rebuild on a new foundation within the same footprint.

\*\*\*\*\*

APPROVE NAME CHANGE:

Request permit name and address change to:

Kenneth J. Cooley; 27 Heather Hill Ln.; Goffstown, NH 03045

Impact 4,365 sq ft in order to raze an existing structure and rebuild on a new foundation within the same footprint.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated September 14, 2010 and received by the NH Department of Environmental Services (DES) on October 7, 2010. 2. No more than 25.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 903 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02 (b).

Requested Action:

Request permit time extension.

Impact 4,365 sq ft in order to raze an existing structure and rebuild on a new foundation within the same footprint.

\*\*\*\*\*

APPROVE TIME EXTENSION:

Impact 4,365 sq ft in order to raze an existing structure and rebuild on a new foundation within the same footprint.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated September 14, 2010 and received by the NH Department of Environmental Services (DES) on October 7, 2010. 2. No more than 25.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 903 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The owner, authorized agent or applicant certifies that this permit qualifies for a permit extension in accordance with RSA 483-B:5-b, VI and Env-Wq 1406.19.
2. This permit has been extended in accordance with RSA 483-B:5-b, VI and Env-Wq 1406.19.

**2013-02221 IACOPUCCI, DONNA/MICHAEL**  
**BELMONT Winnisquam Lake**

Requested Action:

Amendment Description: The applicant wishes to relocate rain gardend, modify driveway, and add pervious walkways.

\*\*\*\*\*

APPROVE AMENDMENT:

Plans revised. Impact 980 sq ft in order to add a 980 sq ft addition to a nonconforming structure, construct an asphalt driveway, add a pervious walkway, and install a rain garden

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated August 12, 2013 and revised by the owner September 23, 2015 and received by the NH Department of Environmental Services (DES) on August September 25, 2015.
2. No more than 21.57% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-00616 PEERFACE COVE LLC**  
**SANDWICH Squam Lake**

Requested Action:

Amendment Description: Modify existing house plan.

\*\*\*\*\*

APPROVE AMENDMENT:

Modify the footprint of the approved structure. Impact 1,921 sq ft in order to add an addition to the north side of structure and add a deck or open porch to the lakeside.

With Conditions:

1. All work shall be in accordance with plans by Steve Olafsen and received by the NH Department of Environmental Services (DES) on August 11, 2015.
2. No more than .02% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 25% of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-01128                      MOODY POINT COMPANY**  
**NEWMARKET   Great Bay**

Requested Action:

Amendment Description Applicant request to change the roofline and to convert a portion of the pavement to a porous pavement.

\*\*\*\*\*

APPROVE AMENDMENT:

Plans revised to include porous asphalt. Impact 9,200 sq ft in order to construct a Duplex with a stormwater management plan.

With Conditions:

1. All work shall be in accordance with revised plans by Beals Associates PLLC dated April 2015, revised by Gove Environmental Services, Inc. dated September 14 and received by the NH Department of Environmental Services (DES) on September 17, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 32.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 825 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-01969                      KOVACS, FRANK/PAM**  
**NEW DURHAM   Shaws Pond**

Requested Action:

Impact 7,768 sq ft in order to construct a new house on the existing foundation, add an addition, install a septic system and stormwater management features.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 7,768 sq ft in order to construct a new house on the existing foundation, add an addition, install a septic system and stormwater management features.

**With Conditions:**

1. All work shall be in accordance with plans by Fernstone Associates dated July 18, 2015 and received by the NH Department of Environmental Services (DES) on July 29, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 27.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-01994                      MAKO, ANDREW**  
**WOLFEBORO   Crescent Lake**

**Requested Action:**

Impact 2,785 sq. ft. to install two retaining walls, a fire pit and patio, a rain garden with a slab crossing over it, extensive landscaping and stepping stones for access paths.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 2,785 sq. ft. to install two retaining walls, a fire pit and patio, a rain garden with a slab crossing over it, extensive landscaping and stepping stones for access paths.

**With Conditions:**

1. All work shall be in accordance with plans by Terrain Planning & Design dated September 29, 2015 and received by the NH Department of Environmental Services (DES) on October 7, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V(a)(2)(D)(iv).
3. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 3,594 sq. ft. of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V(b)(2).

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02079                      ALBERT, CHERYL/JOHN**  
**WINDHAM   Cobbett's Pond**

**Requested Action:**

Impact 1,808 sq. ft. in order to construct a 2-story, 1,902 sq. ft. addition to an existing single family dwelling in the Natural woodland Buffer adjacent to Cobbett's Pond.

\*\*\*\*\*

**DENY PERMIT:**

Impact 1,808 sq. ft. in order to construct a 2-story, 1,902 sq. ft. addition to an existing single family dwelling in the Natural woodland Buffer adjacent to Cobbett's Pond.

**With Findings:**

**Standards for Approval**

1. Pursuant to RSA 483-B:3, Consistency Required, I, State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of the Shoreland Water Quality Protection Act.
2. Pursuant to RSA 483-B:9, V.(b)(2)(A) Minimum Shoreland Protection Standards, within the natural woodland buffer of a given lot the vegetation, except lawn, within at least 25 percent of the area outside the waterfront buffer shall be maintained in an unaltered state.
3. Pursuant to RSA 483-B:4, Definitions, XI. "Natural woodland buffer" means a forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.
4. Pursuant to RSA 483-B:9, V, a waiver may be requested of the Minimum Shoreland Protection Standards if the applicant clearly demonstrates that strict compliance with the minimum standard provides no public benefit and granting a waiver of the minimum standard will have no adverse environmental effect on the environment or the natural resources of the state, or the waiver will accommodate the needs of a disabled individual.
5. Pursuant to Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications, all applications shall include an overview plan of the property within 250 feet of the reference line that shows all proposed work including the dimensions, locations, and descriptions of all proposed temporary impacts associated with completion of the project, the dimensions and locations of all other relevant features necessary to clearly define both existing conditions and the proposed project, and a plan of any planting(s) proposed in the waterfront buffer, showing the proposed location(s) and names of proposed species.

**Findings of Fact**

1. On August 7, 2015, the Department of Environmental Services received an application for impacts within protected shorelands associated with the construction of an addition to an existing nonconforming structure on property identified as lot 14, on Windham Tax Map 21-H (the Property).



2. Plans by Meisner Brem Corporation dated July 13, 2015, and photographs submitted with the application show that there is still natural woodland buffer vegetation remaining on the Property that is protected under RSA 483-B:9, V.(b)(2)(A).
3. Plans by Meisner Brem Corporation dated July 13, 2015, show that the proposal would eliminate all of the remaining the natural woodland buffer in opposition to the requirements of RSA 483-B:9, V.(b)(2)(A).
4. The Applicant proposed additional plantings within the waterfront buffer and beyond the natural woodland buffer as mitigation for the loss of the natural woodland buffer.
5. On September 16, 2015, the applicant requested a waiver of RSA 483-B:9 V.(b)(2)(A), pursuant to RSA 483-B:9, V, (i).
6. The Applicant addressed the waiver criterion of illustrating that strict compliance with the minimum standard would provide no public benefit with the claim that existing lawn areas, areas that were "loamed and seeded," and proposed stormwater controls would adequately compensate for the loss of the buffer.
7. The Applicant addressed the waiver criterion of illustrating that granting a waiver of the minimum standard will have no adverse environmental effect on the environment or the natural resources of the state by claiming that the location of the development toward the lake would prevent damage and destruction to the lake.
8. The Applicant suggests that additional trees could be planted but no plans for planting were included with the waiver request.
9. The plans submitted with the application failed to show the dimensions, locations, and descriptions of all temporary impacts associated with completion of the project, the dimensions and locations of all other relevant features necessary to clearly define both existing conditions and the proposed project, such as existing and proposed grades and limits of excavation, and a plan of any planting(s) proposed in the waterfront buffer, showing the proposed location(s) and names of proposed species.

#### Ruling in Support of the Decision

1. Lawn is specifically excluded from consideration as part of the natural woodland buffer by RSA 483-B:9, V.(b)(2)(A), thus offering lawn as an alternative to maintaining the remaining natural woodland buffer is not consistent with the intent and purpose of RSA 483-B.
2. RSA 483-B attempts to protect waterbodies by requiring setbacks to structures to keep development away from the lake and requiring natural vegetation buffers between developed areas and the protected waters to attenuate nutrients in run-off from the developed areas. The Applicant's claim that locating the development toward the lake will prevent damage is contrary to the intent and purposes of RSA 483-B.
3. The Applicant has failed to meet the criteria for granting of a waiver pursuant to RSA 483-B:9, V, (i). The waiver shall not be granted and the project must comply with RSA 483-B:9, V.(b)(2)(A).
4. The removal of all remaining natural vegetation from the natural woodland buffer in order to construct an addition to a nonconforming structure would violate the language and intent of RSA 483-B:9, V. (b)(2)(A). Therefore, RSA 483-B:3, I prohibits the issuance of a permit for this project and the application is denied.

2015-02089

ALLEN, W GORDON/MARY E

ASHLAND Little Squam Lake

#### Requested Action:

Impact 9,183 sq. ft. to move the existing cottage, construct a new foundation and an addition, install a new septic system, add drainage features and restore waterfront buffer.

\*\*\*\*\*

#### APPROVE PERMIT:

Impact 9,183 sq. ft. to move the existing cottage, construct a new foundation and an addition, install a new septic system, add drainage features and restore waterfront buffer.

#### With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated August 3, 2015 as revised and received by the NH Department of Environmental Services (DES) on October 7, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V(a)(2)(D)(iv).
4. No more than 13% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 5,029 sq. ft. of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V(b)(2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock or other suitable material.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
13. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02119                      THE NADEAU FAMILY REVOCABLE TRUST OF 2009**  
**CONWAY   Saco River**

Requested Action:

Request permit name change.

Impact 12,020 sq ft in order to construct a new house with an attached garage and driveway on an undeveloped lot.

\*\*\*\*\*

APPROVE NAME CHANGE:

Impact 12,020 sq ft in order to construct a new house with an attached garage and driveway on an undeveloped lot.

With Conditions:

1. All work shall be in accordance with plans by David Halpin dated July 2015 and received by the NH Department of Environmental Services (DES) on August 12, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 3,013 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02 (b).

**2015-02340 CAIATI, JOHN/MERIDITH**  
**NOTTINGHAM Pawtuckaway Lake**

Requested Action:

Impact 1,970 sq ft in order to construct a garage.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,970 sq ft in order to construct a garage.

With Conditions:

1. All work shall be in accordance with plans by Blaisdell Survey, LLC dated August 19, 2015 and received by the NH Department of Environmental Services (DES) on September 4, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 2,646 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. A Shoreland Application was received by New Hampshire Department of Environmental Services (NH DES) September 4, 2015 for property located on Pawtuckaway Lake, more specifically Tax Map 63, Lot # 41 the Town of Nottingham.
2. The applicant proposes to construct a 32 ft x 40 ft garage located in the Woodland Buffer and the removal of an existing carport.

3. One September 17, 2015 NH DES received a letter from an abutter with concerns.
4. The citizen states that the existing carport is not a structure by definition.
5. The removal of the questioned structure has no bearing on the outcome of this permit.
6. The citizen states the garage will be built in front of a 1,000 gallon septic tank and will cause serious water runoff.
7. The owner proposes a dry well to catch roof runoff for stormwater management.
8. The citizen states the proposed structure will encroach upon an existing deeded driveway shared by Lot # 40.
9. The structure proposed is located outside of the deeded driveway and the owner is cannot block or cause the driveway to be unusable.
10. The citizen states rock blasting will occur and harm the environment on Lot # 40 and # 41.
11. The Natural Heritage Bureau listed no endangered or special concerns for species on the property.
12. The citizen states a stream runs through Lot # 42 into the lake and runoff from Lot #41 may flow into the stream.
13. The proposed 3ft x 3ft x 3 ft catch basin will intercept runoff.
14. The citizen notes the deed indicates the Lot can have one structure.
15. The deed did not indicate the number of structures allowed on Lot # 41.

**2015-02344                      KENNETH R OWEN & CHRISTINE L OWEN REVOCABLE TRUST**  
**WOLFEBORO   Lake Winnepesaukee**

**Requested Action:**

Impact 11,870 sq ft in order to remove existing nonconforming dwelling, construct a new dwelling in a conforming location; reconfigure the driveway, utilizing porous pavement for a portion (1,455 sq ft) of the drive/parking area; install a well; install a new sewage disposal system, install a walk, and a stepping stone walk.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 11,870 sq ft in order to remove existing nonconforming dwelling, construct a new dwelling in a conforming location; reconfigure the driveway, utilizing porous pavement for a portion (1,455 sq ft) of the drive/parking area; install a well; install a new sewage disposal system, install a walk, and a stepping stone walk.

**With Conditions:**

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. dated August 27, 2015 and received by the NH Department of Environmental Services (DES) on September 4, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 20.28% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 2,563 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction

regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction. 13. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02350                      OYSTER RIVER CO-OP SCHOOL DIST -SAU 5**  
**DURHAM   Beards Creek**

Requested Action:

Impact 1,163 sq ft in order to construct additional biutminious parking area.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,163 sq ft in order to construct additional biutminious parking area.

With Conditions:

1. All work shall be in accordance with plans by Haight Engineering, PLLC dated August 28, 2015 and received by the NH Department of Environmental Services (DES) on September 8, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 20.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 25% of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02353                      LATTA, DAVID/LINDA**  
**WINDHAM   Cobbett's Pond**

Requested Action:

Impact 4,650 sq ft in order to construct a new single family dwelling with associated septic system, driveway, decks, steps and walkway.

\*\*\*\*\*

APPROVE PERMIT:

Impact 4,650 sq ft in order to construct a new single family dwelling with associated septic system, driveway, decks, steps and walkway.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated August 16, 2015 and received by the NH Department of Environmental Services (DES) on September 8, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 48% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02354                      MANCHESTER-BOSTON REGIONAL AIRPORT**  
**MANCHESTER   Cohas Brook**

Requested Action:

Impact 17,157 sq ft in order to conduct bank stabilization along Cohas Brook, improve drainage, and repair wildlife fence.

\*\*\*\*\*

APPROVE PERMIT:

Impact 17,157 sq ft in order to conduct bank stabilization along Cohas Brook, improve drainage, and repair wildlife fence.

With Conditions:

1. All work shall be in accordance with plans by Jacobs dated August 2015 and received by the NH Department of Environmental Services (DES) on September 8, 2015.  
V, (a), (2), (D), (iv).
2. No more than 1.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 53,875 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02356 RUBICCO, NANCY/RONALD**  
**ALTON Lake Winnepesaukee**

**Requested Action:**

Impact 3,088 sq ft in order to rebuild and expand a nonconforming dwelling, install a driveway, and add multiple stormwater management practices. The project also includes the installation of a pervious patio and rebuilding a stone retaining wall.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 3,088 sq ft in order to rebuild and expand a nonconforming dwelling, install a driveway, and add multiple stormwater management practices. The project also includes the installation of a pervious patio and rebuilding a stone retaining wall.

**With Conditions:**

1. All work shall be in accordance with original plans by Varney Engineering, LLC dated October 2014 and revised by Stoney Ridge Environmental and received by the NH Department of Environmental Services (DES) on September 8, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 23.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 2,514 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
13. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02365                      SLEIGH JR, ROBERT**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Impact 7,770 sq ft in order to remove existing nonconforming dwelling and construct a new dwelling in a conforming location; construct a new Individual Disposal System; install a new well; reconfigure the gravel driveway.

\*\*\*\*\*

APPROVE PERMIT:

Impact 7,770 sq ft in order to remove existing nonconforming dwelling and construct a new dwelling in a conforming location; construct a new Individual Disposal System; install a new well; reconfigure the gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. dated September 1, 2015 and received by the NH Department of Environmental Services (DES) on September 9, 2015. 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 13.03% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 3,987 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02370                      PINTAL TURCOTT REV TRUST OF 2008, ANNMARIE**  
**CENTER HARBOR   Squam Lake**

Requested Action:

Impact 7,050 sq ft in order to construct a detached garage 75' +/- from the shoreline, with an impervious surface footprint of 2,565 sq ft. Project includes modifying and expanding the existing driveway.

\*\*\*\*\*

APPROVE PERMIT:

Impact 7,050 sq ft in order to construct a detached garage 75' +/- from the shoreline, with an impervious surface footprint of 2,565 sq ft. Project includes modifying and expanding the existing driveway.

With Conditions:



1. All work shall be in accordance with plans by Ames Associates dated September 2, 2015 and received by the NH Department of Environmental Services (DES) on September 9, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 14.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 9,020 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02371                      ALLISON, GEORGE**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Impact 3,440 sq ft in order to construct a new effluent disposal system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 3,440 sq ft in order to construct a new effluent disposal system.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 12, 2015 and received by the NH Department of Environmental Services (DES) on September 9, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 3.21% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 2,598 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02373                      ALLISON, GEORGE**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Impact 5,165 sq ft in order to construct a new effluent disposal system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 5,165 sq ft in order to construct a new effluent disposal system.

With Conditions:

1. All work shall be in accordance with plans by Folsome Design Group dated August 15, 2015 and received by the NH Department of Environmental Services (DES) on September 9, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
4. No more than 6.82% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. At least 2,613 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

13. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02379                      HOLLAND, JOHN/PATRICIA**  
**HILLSBOROUGH   Franklin Pierce Lake**

Requested Action:

Impact 6,980 sq ft in order to demolish an existing house and rebuild a larger house in a new footprint more central on the lot.

\*\*\*\*\*

APPROVE PERMIT:

Impact 6,980 sq ft in order to demolish an existing house and rebuild a larger house in a new footprint more central on the lot.

With Conditions:

1. All work shall be in accordance with plans by Sharon Monahan - Site Succor Design, LLC dated September 8, 2015 and received by the NH Department of Environmental Services (DES) on September 10, 2015.
2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 13% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 4,140 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in

order to comply with RSA 483-B:9, V, (b), (2).

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02380                      POLLEYS, GISELA**  
**GEORGES MILLS   Otter Pond**

**Requested Action:**

Impact 9,072 sq ft in order to remove existing house and build a new house and attached garage. The project includes a new driveway, stone retaining walls, pervious patio, sewer pump station and well.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 9,072 sq ft in order to remove existing house and build a new house and attached garage. The project includes a new driveway, stone retaining walls, pervious patio, sewer pump station and well.

**With Conditions:**

1. All work shall be in accordance with plans by CLD Consulting Engineers dated September 2015 and received by the NH Department of Environmental Services (DES) on September 15, 2015 .

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required per RSA 483-B:9, V, (a), (2), (D), (iv).

4. No more than 28.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

5. At least 2,678 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 - 900 and obtaining any

Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.  
13. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02381                      SHERMAN, GLENN**  
**BARNSTEAD    Huntress Pond**

Requested Action:

Impact 2,103 sq ft in order to construct a 24ft x 26ft detached garage.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,103 sq ft in order to construct a 24ft x 26ft detached garage.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated August 2015 and received by the NH Department of Environmental Services (DES) on September 10, 2015.
2. No more than 13.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 5,732 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2015-02708                      COATE, MARGARET**  
**PORTSMOUTH    North Mill Pond**

Requested Action:

Impact 2,250 sq ft in order to add a garage and breezeway to an existing dwelling.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,250 sq ft in order to add a garage and breezeway to an existing dwelling.

With Conditions:

1. All work shall be in accordance with revised plans by Jones & Beach Engineers, Inc. dated September 23, 2015 and received by the NH Department of Environmental Services (DES) on October 5, 2015.
2. No more than 6.33% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,655 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

